

June 8, 2017

The regular business meeting of the Newfield Town Board was held at the Town Hall Board Room June 8, 2017 at 7:06 p.m. The meeting was called to order by Supervisor Jeffrey Hart and opened with the Pledge of Allegiance to the flag.

*Present were:* Supervisor Jeffrey Hart, Councilperson Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers and Councilperson Mike Allinger. Also present: County Legislature Representative Dave McKenna, Atty. Smith, and 18 attendees.

### **Privilege of the Floor**

*Judy Horton:* Social Chairperson of the Newfield Senior Citizens thanked the Town Board for its continued support though out the years. Mrs. Horton stated that the funds given by the Town to the Newfield Senior Citizens are used for Travel and Entertainment. Mrs. Horton commented there is another senior group in Newfield with lesser attendance than the Newfield Senior Citizens and asked that for the future 2018 budget that the Newfield Senior Citizens be given more funding, or there be a different distribution of the funds between the two groups.

*Donna Eurto:* spoke to the Board regarding the noise on Main Street at the Market in the evenings and also the smell from the farm animals in the back yard of a home on Main Street.

*Dennis Buono:* spoke to the Board regarding his denial of his request to opt out of having a smart water meter at his home. Mr. Buono presented the Board members with data he printed from the internet regarding health risks associated from smart meters. Mr. Buono offered to purchase an analog meter and provide the Town with the quarterly water reading. Supervisor Hart responded he and the Board would look into the request.

*Brenda Lapp:* spoke to the Board with hopes the Local Law Banning Natural Gas Extraction would be passed.

*David Teeter:* represented the NICE Luncheon spoke to the Board with concerns if the funds were reduced the program would not survive.

*Norm Aidun:* commented that an electromagnetic shield could be purchased to cover smart meters in response to Mr. Buono's concern.

*Becca Harber:* asked that there be independent research gathered regarding the electromagnetic shield. Ms. Harber also commented that NYSEG would be installing smart meters for electricity in parts of Newfield in the future. Ms. Harber also commented her concerns about smart meters.

### **Approval of May 11, 2017 Business Board Minutes**

Motion was made by Councilperson Laughlin to approve the May 11, 2017 Board Meeting Minutes, seconded by Councilperson Powers.

Vote	AYES	3	Hart, Laughlin and Powers
	NAY	0	
	ABSTAIN	2	James and Allinger

Carried

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### **Reports:**

*Highway:* Highway Superintendent Kevin Berggren was absent. Councilperson Laughlin reported on the work being done on Starks Rd.

*Code Enforcement:* Code Enforcement Officer Alan Teeter was absent. Supervisor Hart read the monthly report.

*Water Sewer:* Highway Superintendent Kevin Berggren was absent, Councilperson Laughlin reported the Trumbulls Corner Road Water Tank is filled and waited for approval from Tompkins County Health Department in order to go online. Restoration work on Van Kirk and Trumbulls Corners Rd's will be beginning soon.

*Recreation:* Recreation Director Reid Hoskins was absent. Supervisor Hart read the report.

*Tompkins County Legislature Report:* Newfield Representative David McKenna reported that Tompkins County had purchased the Tompkins Trust Company Building on The Commons. The History Center and other non for profits will be future tenants of the building. Also the County adopted a local law where there would be a 3 year abatement of taxes for developers that build infrastructure for developments.

*Planning Board:* Supervisor Hart- reported the Planning Board and Town Board members met the previous eve for a joint meeting to review and discuss the purposed Local Site Plan Review law the previous evening. Supervisor Hart also commented there is a Planning Board Member seat available.

*Ad Hoc Park Committee:* Norm Aidun reported the DASNY Grant had been submitted and receiving final reviews. Mr. Aidun also commented that Hunt Engineers was near completion of the Post Construction SWIP plan for submission.

*Environmental Health Council:* Michelle Henry distributed the EMC Annual Report to the Board Members, and reviewed topics discussed at the EMC meeting.

*Supervisor:* Supervisor Hart reported he and Highway Superintendent Berggren had met with the engineers regarding the replacement of the Main Street Culvert pipe. The DOT has tagged the culvert as being a safety hazard and in need of replacement. Supervisor Hart reported there are Federal and State reimbursable grants available for this project-80% federal, 15% State and the Town would be responsible for 5%. The Town would initially need to obtain a short term bond for \$865,000 the project for 2018. There is also a possibility of the Route 13 round about construction project occurring in 2018 also. Supervisor Hart stated the Board had been working on the Natural Gas Extraction Ban, Solar Facilities Law and the Site Plan Review Law.

### **New Business**

#### *Nixon Peabody- Micro Cell Tower on Douglas Road*

Mr. Al Foyal representing Nixon Peabody and Verizon Wireless proposed a project that would attach an antenna to an existing utility pole. The micro cell will help with the "hot spot capacity" in a congested area. Mr. Foyal asked on behalf of Nixon Peabody for a Special Use Permit from the Town Board and a negative declaration for SEQR. The Board will meet with Code Officer Teeter and vote on the subject at the June 22<sup>nd</sup> meeting. Attorney Smith will review the application and SEQR prior to the June 22<sup>nd</sup> meeting. Councilperson Powers asked what the time line would be for the project, Mr. Foyal stated with favorable approvals work could begin in August.

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*Concert in the Park- Discussion and Financials*

Councilperson James reported on the Mill Park Music Series that will be presented in the Mill Park the last Wednesday of the month June thru September from 6:00 to 8:00 pm. The funds have been donated and the Town will administer the finances.

*Tompkins County Consortium- Health Insurance*

Councilperson Laughlin reported the Highway Collective Bargaining Unit has requested the Town consider the Health Insurance offered by the Tompkins Health Insurance Consortium. In the past when the Town looked into the Consortium plan it was not a favorable match. Councilperson Laughlin asked that Atty. Smith begin the process to join the Tompkins Health Insurance Consortium and to give proper notice to Tompkins Insurance with the change to take place January 1, 2018. Councilperson James asked for confirmation there would not be any buy in costs.

Motion was made by Councilperson Laughlin to approve Attorney Smith to begin the process of joining the Tompkins Health Insurance Consortium seconded by Councilperson Powers.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	
	ABSTAIN	0	

Carried

**Old Business**

Discussion and Vote on Resolution No. 20-2017 SEQRA Resolution Local Law No. 3- 2017 Prohibition within the Town of Newfield of Natural Gas Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes.

**RESOLUTION #10-2017  
SEQRA RESOLUTION**

**WHEREAS**, the Town of Newfield proposes to enact a Local Law regarding the Prohibition on Natural Gas And Petroleum Exploration And Extraction Activities, the Underground Storage Of Natural Gas, and the Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes (the “Local Law”);

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and associated regulations including 6 NYCRR 617.1, et seq. (“SEQRA”) the Town is required to undertake a review of potential environmental impacts associated with the Local Law;

**WHEREAS**, the Town has prepared a draft Environmental Assessment Form regarding the Local Law including Parts 1, 2 and 3 (the “EAF”);

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**WHEREAS** based upon the information contained in the EAF and the knowledge and review of the Town Board members and after due deliberation;

**NOW, THEREFORE**, upon motion duly made by Councilperson James and seconded by Councilperson Powers it is

**BE IT RESOLVED**, as follows:

Upon a thorough review and due consideration of the EAF, which the Town now adopts, the Town makes the following findings:

1. The Town has considered the Local Law pursuant to the criteria set forth in applicable law and regulations, including SEQRA;
2. The Town has taken a hard look at possible environmental impacts of the Local Law pursuant to SEQRA regulations;
3. The Town determines, for those reasons set forth in the EAF, the Local Law will have no significant negative environmental impacts and hereby issues a negative declaration under SEQRA.

Vote	AYES	5	Hart, James Laughlin Powers and Allinger
	NAY	0	
	ABSTAIN	0	

Carried

*Discussion and Vote on Local Law No. 3-2017 “Prohibition within the Town of Newfield of Natural Gas and Petroleum Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes.”*

Motion was made by Councilperson Powers to approve proposed Local Law No. 3-2017, seconded by Councilperson James.

Discussion: Councilperson Powers stated she felt the Board had worked very hard on the proposed law and that it was a good law protecting the water and air of the community. Councilperson James agreed.

Councilperson Laughlin stated she doesn’t disagree with the entire law, she agrees with the ban of fracking, but does not want to pass a law where natural gas cannot be harvested as a resource for the community.

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Councilperson Laughlin noted many homes in Newfield are heated by natural gas in the hamlet. She does not agree to limit all forms of extraction and will be voting no.

Vote	AYES	4	Hart, James, Powers and Allinger
	NAY	1	Laughlin
	ABSTAIN	0	

Carried

*Discussion and Vote on Resolution No. XX-2017 SEQRA Resolution –Solar Energy Law, Local Law No. 4-2017*

Supervisor Hart stated that the Town had received feedback from the County regarding proposed Local Law No.4-2017. Attorney Smith advised that the Town postpone until the July Meeting.

*Discussion and possible vote on Local Law No. 4-2017*

Because of the comments from the County this vote was not possible.

*Discussion of Site Plan Review Law*

*Discussion and Vote on Resolution No.11-2017 approval of Permit applications from Delaware River Solar, LLC.*

**RESOLUTION NO. 11-2017**

**Approval of permit application for Solar Energy Project**

**WHEREAS** permit applications have been submitted by Delaware River Solar, LLC, also known as NY Newfield I, NY Newfield II and NY Newfield III, LLC, to build a solar energy farm on Millard Hill Rd. tax parcels numbers 3.-1-26.13, 3.-1-26.12 and 3.-1-26.11. And

**WHEREAS** the Delaware River Solar LLC, also known as NY Newfield III, LLC, is requesting approval of these 3 applications so work may begin.

**NOW, THEREFORE BE IT RESOLVED** that after discussion the Newfield Town Board approves the permit applications submitted by the Delaware River Solar, LLC also known as NY Newfield III, LLC for tax parcel 3.-1-26.13, 3.-1-26.12 and 3.-1-26.11 located on Millard Hill Rd.

Motion was made by CP Powers to approve Resolution No. 11-2017, motion was seconded by CP Laughlin

Councilperson James how this would tie in with the PILOT – Atty. Smith stated a PILOT has been approved and the decommissioning plans have been submitted. Once the permit is approved, the funds for the decommissioning can be deposited into a specified bank account, the construction can begin. Supervisor Hart asked Atty. Smith to present the Host Community Benefit agreement to Delaware River Solar as previously discussed.

Vote	AYES	5	Hart, James Laughlin, Powers and Allinger
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NAY	0
ABSTAIN	0

Carried

**Approval of the Payment of the June 2017 Bills**

Motion was made by Councilperson James to approve the payments, seconded by Councilperson Powers. The Board authorized the payments of the following amounts:

General Fund	\$21,225.51
Recreation Fund	\$2,176.28
Highway Fund	\$33,824.66
Capital Fund	\$630.00
Street light Fund	\$1,347.86
Sewer Fund	\$236.22
Water District 1 Fund	\$24,073.98
Water District 2 Fund	\$8,326.54
Trust and Agency	\$4,035.88

Vouchers were audited by Councilpersons Allinger James or Laughlin and Powers.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

At 8:30 p.m., a motion was made by Councilperson Allinger to adjourn, seconded by Councilperson James

Respectfully Submitted,

June 29, 2017

Karen Miller Kenerson, RMC  
Newfield Town Clerk